

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: SCS CSSSHB 53 (FIN)

1 Page 2, line 7, following "Probate Procedure;":

2 Insert "relating to the admissibility into evidence of the prior recorded statement  
3 of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of  
4 Evidence."  
5

6 Page 3 following line 16

7 Insert a new bill section to read:

8 "\* Sec. 59. The uncoded law of the State of Alaska is amended by adding a new section  
9 to read:

10 DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of  
11 Evidence, is amended by adding a new paragraph to read:

12 (3) Recorded Statement by Child Victims of Crime. The statement is a  
13 recorded statement by the victim of a crime who is less than 16 years of age and

14 (A) the recording was made before the proceeding;

15 (B) the victim is available for cross-examination;

16 (C) the prosecutor and any attorney representing the defendant  
17 were not present when the statement was taken;

18 (D) the recording is on videotape or other format that records  
19 both the visual and aural components of the statement;

20 (E) each person who participated in the taking of the statement  
21 is identified on the recording;

22 (F) the taking of the statement as a whole was conducted in a  
23 manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has had an opportunity to view the recording and determine that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence."

Renumber the following bill sections accordingly.

Page 32, line 28:

Delete "sec. 59(d)"

Insert "sec. 60(d)"

Page 33, line 7:

Delete "60"

Insert "61"

Page 33, line 20:

Delete "sec. 59(a)"

Insert "sec. 60(a)"

Page 33, line 23:

Delete: "sec. 64"

Insert "sec. 65"

Page 33, line 26:

Delete "sec. 65"

Insert "sec. 66"